



BOARD OF PUBLIC WORKS & SAFETY APRIL 7, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 8:30 a.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved to accept the minutes of March 24th as presented. Second by Mr. Hoover. Vote: Ayes. Motion carried.

Max Cooper of Projects Plus represented Greenwood Station to ask for a waiver from the drainage ordinance. He told the Board that revised plans had been given to the Engineering Department and he has agreed with Paul that this pond is the only one they will ask to be considered for a waiver. Mr. Peoni indicated that he would like them to put a fountain in the pond for aeration and to keep the water moving and he would ask, if possible, that no future development occur on the east side of the ditch. Mr. Peoni noted he still needs the final drainage calculations. Mr. Hoover moved to grant the waiver request for the retention area with respect to Greenwood Station, subject to conditions that a fountain suitable to the Engineering Department be installed for aeration purposes and that no future development be allowed in the green space on the east side of the ditch, subject to all documentation being received and approved by the Director of Engineering. Second by Mr. Beville. Vote: Ayes. Motion carried.

For the Village at Honey Creek, Mr. Cooper requested acceptance and execution of one offsite plat over drainage easement and four offsite plat over sanitary sewer easements. Mr. Peoni confirmed that the legal descriptions and graphic exhibits have been reviewed and approved by the Engineering Department. The form of the offsite plat over easements has been approved by the Law Department. Per Mr. Arnold's memo Mr. Hoover moved to:

- 1) Accept and execute one (1) offsite plat over drainage easement.
- 2) Accept and execute four (4) offsite plat over sanitary sewer easements.

Second by Mr. Beville. Vote: Ayes. Motion carried.

Ron Collins represented OMS International regarding the expansion of their parking lot for acknowledgment of the completion of improvements, acceptance of the maintenance guarantee and release of the performance guarantees. Per Mr. Peoni's memo, Mr. Beville moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the approved design plans for the OMS International Parking Facility on Fry Road.
- 2) Release performance Letter-of-Credit (LOC) #SCL009902 from National City Bank in the amount of \$55,582 for the installation of the private dirtwork, storm sewers and erosion control at the OMS International Parking Facility on Fry Road.
- 3) Accept the street improvements in the public right-of-way at the OMS International Parking Facility on Fry Road.
- 4) Accept OFFICIAL CHECK #195533604 from National City Bank in the amount of \$1,748 to act as a three (3) year maintenance guarantee for the street improvements in the public right-of-way at the OMS International Parking Facility on Fry Road.
- 5) Release performance Letter-of-Credit (LOC) #SCL009901 from National City Bank in the amount of \$8,738 for the installation of the street improvements in the public right-of-way at the OMS International Parking Facility site, based on:
 - a. Receipt of and review and approval of final mylar as-builts by the Engineering Dept.

Second by Mr. Hoover. Vote: Ayes. Motion carried.

Mr. Peoni discussed the request by Applebee's (874 S. State Road 135) for acceptance of improvements and maintenance bonds and release of performance bonds. Most of the improvements are private

improvements, except for the sidewalks along State Road 135. Mr. Peoni confirmed that everything has been installed in reasonable compliance with the design plans and they have received acceptable as-builts, along with the three-year maintenance bonds for the sidewalks – with the amount and the form approved. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork and storm sewers have been installed in reasonable compliance with the approved design plans for the Applebee's site at Riverwood Marketplace.
- 2) Release performance bond #CMS 217808 from RLI Insurance Company in the amount of \$14,597.99 for the installation of the private dirtwork and storm sewer for the Applebee's site at Riverwood Marketplace.
- 3) Acknowledge that the private improvement of erosion control has been installed in reasonable compliance with the approved design plans for the Applebee's site at Riverwood Marketplace.
- 4) Release performance bond #CMS 217806 from RLI Insurance Company in the amount of \$4,290 for the installation of the private erosion control for the Applebee's site at Riverwood Marketplace.
- 5) Acknowledge that the private improvement of streets have been installed in reasonable compliance with the approved design plans for the Applebee's site at Riverwood Marketplace.
- 6) Release performance bond #CMS 217809 from RLI Insurance Company in the amount of \$7,050 for the installation of the private street improvements for the Applebee's site at Riverwood Marketplace.
- 7) Accept the sidewalks along S.R. 135 at the Applebee's site at Riverwood Marketplace.
- 8) Accept three (3) year maintenance bond # QC1-J81-024960-065 in the amount of \$1,551 from Liberty Mutual Insurance Company for the sidewalks along S.R. 135 at the Applebee's site at Riverwood Marketplace.
- 9) Release performance bond #CMS 217807 from RLI Insurance Company in the amount of \$7,756.10 for the installation of the sidewalks for the Applebee's site at Riverwood Marketplace, all subject to:
 - a. Payment of any final Inspection & Testing fees, if applicable.

Second by Mr. Beville. Vote: Ayes. Motion carried.

Douglas Wagner of Precedent Residential Development next represented Homecoming at University Park, Section 2 to ask for acceptance and execution of five Dedication of Public Right-of-Way documents. These parcels are along the south side of Allen Road from CR 250 East to Griffith Road and were needed in order for the road improvements to begin along Allen Road. The legal descriptions and graphic exhibits have been reviewed and approved by the Engineering Department. The form of the documents has been approved by the Law Department. Mr. Beville, per Mr. Arnold's memo, moved to:

- 1) Accept and execute five (5) Dedication of Public Right-of-Way documents.

Second by Mr. Hoover. Vote: Ayes. Motion carried.

Mr. Wagner, for the 71 lots in Homecoming at University Park, Section 1, asked for acceptance of the final plat, acceptance of improvements, and acceptance of maintenance bonds and performance bonds. An inspection in the field showed that all items being asked for acceptance appear to have been satisfactorily installed. Mr. Peoni noted that while revisions are needed on the plat, the signature page might be able to be signed by the Board while the plat is held and revised. Final as-builts need to be reviewed, as does the form of the bond. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept the sanitary sewers, subject to Keith Meier, Sanitation Superintendent approval at Homecoming at University Park, Section One.
- 2) Accept three (3) year maintenance bond #MNT8806108 from Fidelity and Deposit Company of Maryland in the amount of \$223,058 for the sanitary sewers at Homecoming at University Park, Section One.
- 3) Accept the storm sewers at Homecoming at University Park, Section One.
- 4) Accept three (3) year maintenance bond #5014600 from Bond Safeguard Insurance Company in the amount of \$181,312 for the storm sewers at Homecoming at University Park, Section One.
- 5) Accept the earthwork at Homecoming at University Park, Section One.
- 6) Accept three (3) year maintenance bond #MNT8806107 from Fidelity and Deposit Company of Maryland in the amount of \$83,386 for the earthwork at Homecoming at University Park, Section One.
- 7) Accept the stone base, asphalt base, asphalt binder and concrete curbs (streets) at Homecoming at University Park, Section One.

- 8) Accept three (3) year maintenance bond #104495026 from St. Paul Fire and Marine Insurance Company in the amount of \$182,691 for the stone base, asphalt base, asphalt binder and concrete curbs (streets) at Homecoming at University Park, Section One.
- 9) Accept performance bond #5014597 from Bond Safeguard Insurance Company in the amount of \$92,411 for the installation of the asphalt street surface at Homecoming at University Park, Section One.
- 10) Accept performance bond #5014598 from Bond Safeguard Insurance Company in the amount of \$10,483 for the installation of the signs & monuments at Homecoming at University Park, Section One.
- 11) Accept performance bond #5014599 from Bond Safeguard Insurance Company in the amount of \$150,814.40 for the installation of the sidewalks and pathways at Homecoming at University Park, Section One.
- 12) Execute the final plat, all subject to:
 - a) Final review and approval of the bonds by the City Attorney.
 - b) Final review and approval of the as-builts by the Engineering Department.
 - c) Final review and approval of the final plat by both the Engineering and Planning Departments.
 - d) Payment of any final Inspection & Testing fees, if applicable.

Second by Mr. Beville. Vote: Ayes. Motion carried.

For Homecoming at University Park, Section 2, there was the same kind of request for acceptance of improvements, acceptance of maintenance and performance bonds and execution of the final plat. Again there has been a final field inspection which showed that all items being asked for acceptance appear to have been satisfactorily installed. The amounts shown on the bonds are correct. Mr. Hoover, per Mr. Peoni's memo, moved to:

- 1) Accept the sanitary sewers, subject to Keith Meier, Sanitation Superintendent approval at Homecoming at University Park, Section Two.
- 2) Accept three (3) year maintenance bond #MNT8806106 from Fidelity and Deposit Company of Maryland in the amount of \$79,839 for the sanitary sewers at Homecoming at University Park, Section Two.
- 3) Accept the dirtwork and storm sewers at Homecoming at University Park, Section Two.
- 4) Accept three (3) year maintenance bond #5014724 from Bond Safeguard Insurance Company in the amount of \$170,002 for the dirtwork and storm sewers at Homecoming at University Park, Section Two.
- 5) Accept the stone base, asphalt base, asphalt binder and concrete curbs (streets) at Homecoming at University Park, Section Two.
- 6) Accept three (3) year maintenance bond #104495025 from St. Paul Fire and Marine Insurance Company in the amount of \$161,856 for the stone base, asphalt base, asphalt binder and concrete curbs (streets) at Homecoming at University Park, Section Two.
- 7) Accept performance bond #5014723 from Bond Safeguard Insurance Company in the amount of \$90,924.63 for the installation of the asphalt street surface at Homecoming at University Park, Section Two.
- 8) Accept performance bond #5014722 from Bond Safeguard Insurance Company in the amount of \$4,438.50 for the installation of the signs and monuments at Homecoming at University Park, Section Two.
- 9) Accept performance bond #5014721 from Bond Safeguard Insurance Company in the amount of \$154,880 for the installation of the sidewalks and pathways at Homecoming at University Park, Section Two.
- 10) Execute the final plat, all contingent upon:
 - a) Final review and approval of the bonds by the City Attorney.
 - b) Final review and approval of the as-builts by the Engineering Department.
 - c) Final review and approval of the final plat by both the Engineering and Planning Departments.
 - d) Payment of any final Inspection & Testing fees, if applicable.

Second by Mr. Beville. Vote: Ayes. Motion carried.

Kendric Haslett of C.P. Morgan approached the Board to request a landscape encroachment of easements in Sweetgrass, Section 4. He particularly noted the section along Worthsville Road and along the northern edge of their property. Mr. Haslett passed out copies of the landscape plan and pointed out the easements. Mr. Peoni reminded the Board that the normal procedure for encroachment of a drainage and utility easement is to ask the petitioner to get approval letters from all the utility companies so they have the information as well, and make certain that City crews have room to work in the easement in

question if there is a storm or a sanitary sewer involved. After discussion, Mr. Hoover moved to grant the request for easement encroachment in Sweetgrass, Section 4, subject to the City being provided letters of approval from all utility providers in the area as well as review and approval of the plans by the Engineering Department and the Sanitation Superintendent. Second by Mr. Beville. Vote: Ayes. Motion carried.

Ken Zumstein of J. Greg Allen & Associates came forward on behalf of Emerson Pointe, Section 1 to ask for acceptance of the Inspection & Testing agreements and for acceptance of the performance bond for erosion control. This is at the intersection of County Line and Emerson Avenue. Mr. Peoni confirmed that everything is in order. The performance bond has been reviewed and found to be correct in form and amount. Per Mr. Arnold's memo, Mr. Hoover moved to:

- 1) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee.
- 2) Accept the Inspection & Testing Agreement for sanitary sewers and ratify acceptance of the 50% upfront fee.
- 3) Accept performance bond #5014587 in the amount of \$84,778.10 from Bond Safeguard Insurance Company for the installation of the erosion control at Emerson Pointe, Section One.

Second by Mr. Beville. Vote: Ayes. Motion carried.

Mike Simon of Republic Development, LLC, for Bainbridge/Southlake Section 1, requested an open cut of Worthsville Road for sanitary and water connections. Mr. Simon described their concerns that the bore pit would be so deep that they would be going into the existing road anyway. He also reminded the Board that much of Worthsville Road in that area has plans for reconstruction. The location of the sanitary sewer street cut would be west of the secondary school parking lot on Worthsville Road, he said. This would be across from the secondary school parking lot, he said. In response to Sanitation Superintendent Keith Meier, Mr. Simon indicated that they planned to start the cut for sanitary connections within the next ten days. Director of Operations Norm Gabehart said he did not feel comfortable with the plan until the City has an opportunity to study the traffic flow, especially with County work going on northeast of there. Mr. Simon then told the Board that the work should be finished in four days at the most. Mr. Peoni asked about a planned detour route, and Mr. Simon replied they would work that out. This led to discussion about school traffic, as well as emergency equipment. Mayor Henderson also asked about their crew working weekends, and Mr. Simon agreed that was a possibility. After more discussion, Mr. Simon agreed that the water connection at Sheek and Worthsville could be bored. Mr. Hoover moved to grant the open cut request for the sanitary connections, conditioned upon work starting on Saturday morning, having acceptable detour plans approved by the Engineering Department, and all appropriate notices going to public safety providers and the school district. Second by Mr. Beville. Vote: Ayes.

From the audience, Jeff Clayton of Lauth Property Group came forward regarding the South Pointe Business Park, between Graham Road and I-65, south of County Line Road. Mr. Clayton came to discuss in particular drainage from Graham Road. Their property has a legal drain which runs west and crosses I-65. Mr. Clayton told the Board that they have approached the Drainage Board about vacating that legal drain in order to be able to develop the property more efficiently and easily and feel they have reached concurrence on the issue; in exchange for granting an easement to the City of Greenwood Mr. Clayton feels the Drainage Board would accept vacation of a legal drain. The Drainage Board meets again on June 7th. Mr. Gabehart described conversations with the County and said he feels the concept can be worked out. This led to more explanation of the conceptual plan by Mr. Clayton, with the use of a map. Max Cooper of Projects Plus, working on site plans for the new Fire Station on the east side, asked that he, along with Fire Chief Steve Dhondt, be included in coordination meetings, because the drainage project has a "dramatic impact" on the cost to the City. The City Attorney asked if maintaining the easement would be the City's responsibility, and Mr. Clayton replied that they would plan to maintain the detention pond and any area of the easement where they did work. They would ask the City to maintain any portion of the easement that just had a storm sewer to drain the City right-of-way. The next step will be meetings with staff.

Street Superintendent Greg Owens brought a request to purchase an HT 540 hot tack distributor used in paving, manufactured by Blaw Knox and distributed by Brandeis Equipment – the only one he found that is a self-contained unit. The quote was \$13,551, which Mr. Owens said is in his budget. Mr. Beville moved to accept this request as described. Second by Mr. Hoover. Vote: Ayes. Motion carried.

On her Status of Tasks, counsel reported receiving signed duplicate statements in the amount of \$18,867.38 from National Waterworks, Inc. requesting the Board of Public Works and Safety file a claim for payment in this amount with surety on the payment bond posted by Atlas Excavating, Inc. regarding the Eastside Interceptor Project, Phase 2. It appears from information provided that Atlas Excavating has not paid National Waterworks, Inc. for certain supplies furnished for the Eastside Interceptor Project and the Board is obligated under I.C. 36-1-12-13.1 to forward National Waterworks, Inc.'s statement to the surety as a claim on the payment bond. Mr. Beville moved to direct the City Attorney in the Board's behalf to forward to St. Paul Guardian Insurance Company, surety under Construction Payment Bond Number 400SD9502 for Atlas Excavating, Inc. regarding Phase 2 of the Eastside Interceptor Sanitary Sewer Construction Project, one of the statements of National Waterworks, Inc. in the amount of \$18,867.38 for material furnished for said project for which Atlas Excavating, Inc. has not been paid. Second by Mr. Hoover. Vote: Ayes. Motion carried.

On his Status of Tasks, Mr. Peoni discussed the Speedway Superamerica at Madison Avenue and County Line, which he said has contamination issues on site. Speedway has to have some excavation done and dirt removed. American Environmental, the contractor, is asking permission to stack dump trucks in the turn lane while they are waiting to be loaded. The area right at the intersection would not be blocked, but the turn lane further south would be used to stack the dump trucks. After discussion, the consensus was to ask the contractor to maintain the traffic flow around where they are working and clean up the area.

Mr. Beville moved to accept the claims as presented through April 7, 2005. Second by Mr. Hoover. Vote: Ayes. Motion carried.

With no further business, the meeting adjourned at 9:30 a.m.